IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No. 9544 of 2005
Date of decision : 05.09.2012

Dr. Ashok Kumar Yadav

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM:- HON'BLE MR.JUSTICE RANJIT SINGH

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. R.K. Malik, Sr. Advocate with
Mr. K.K. Chahal, Advocate
for the petitioner.

Mr. Sunil Nehra, Sr. DAG Haryana
for the State

RANJIT SINGH, J.

The petitioner applied for admission in M.D/M.S./P.G. Diploma Entrance examination against the quota reserved for Haryana Civil Medical Services. On 26.02.2005, the petitioner appeared in the written examination which was cancelled. The written examination was again conducted on 03.04.2005 where the petitioner qualified.

On 15.04.2005, the petitioner appeared in the counselling. He, however, was not granted admission as he was in the waiting list. His option was taken in writing. On 28.05.2005 at 16.20 p.m. The petitioner was informed through telegram to join the course not later than 30.05.2005. As per the petitioner, this telegram was sent on wrong address and ultimately was received by him on 06.06.2005. On 07.06.2005, the petitioner reported for admission.

He also filed a written representation on the following day. The petitioner submitted another representation on 09.06.2005. However, he was not admitted to the course. The petitioner, accordingly, approached this Court on 11.06.2005 pleading that the delay was due to telegram having been sent to the wrong address for which the petitioner can not be held responsible in any manner and made to suffer on that account.

On 14.12.2005, this Court issued notice of motion. Interim directions were issued for admitting the petitioner provisionally to Post Graduate Diploma in Ophthalmology. In the order, it was further clarified that this provisional admission would not create any equity in favour of the petitioner.

Subsequently, written statement was filed and the writ petition was finally admitted on 15.09.2005 with further direction to list the same for final disposal within one month. During this period, the petitioner has completed his studies and has also been awarded diploma in ophthalmology as he has qualified there.

Since the petitioner has successfully completed the diploma course, there is no need to decide the challenge raised in the petition about late receipt of telegram. It would be appropriate to regularize the admission of the petitioner as he has already qualified his diploma course. The writ petition, therefore, is rendered infructuous and is disposed of as such.

September 05, 2012 **(RANJIT SINGH)**
reena **JUDGE**